IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 5658 of 1999

Between:
Agricultural Market Committee,
Jammalamadugu, Cuddapah District,
Rep.by its Secretary, S. Basheer Ahamad,
S/o. Mahamood Miah, aged 48 years.

..... PETITIONER

AND

The Executive Officer,
GramPanchayat, Muddanur,
Cuddapah District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Auction notice of the respondent published in Andhra Jyothi Telugu Daily Dt. 15.3.1999 (Cuddapah Dist. Edition) as highly illegal, arbitrary, unjust, improper without jurisdiction and against to the provisions of the markets Act and Consequently restrain the respondent from conduction auction for tomato and vegetetable markets scheduled to be held on 22.3.1999 at Grampanchayat Officer, Muddanur and pass such other orders.

For the Petitioner: MR.BADANA.BHASKARA RAO, Advocate

For the Respondent : MR.P.RAGHAVENDRA REDDY, STANDING COUNSEL FOR GRAM PANCHAYATS)

The Court Made the Following :

ORDER:

Issuance of tender and auction notice by the respondent-Gram panchayat for conferring leasehold rights to collect the taxes (Sunkam) on tomatoes and vegetables in the daily market for the year 1999-2000 is the subject matter of challenge by the Agricultural Market Committee, Jammalamadugu, Cuddapah in the present writ petition.

Heard both the counsel.

It is now fairly well settled by a catena of decisions that once the market committee has been constituted and notification has been issued notifying the area of the market committee as per the provisions of the Market Act, the market committee has exclusive right over the agricultural produce notified under Sections 3 and 4 (29 & 30) of the Market Act. It is only the Agricultural market committee can collect the taxes on the notified items within the market area but not by the Gram panchayat. In view of the same, the notification issued by the Gram panchaytat in respect of the items mentioned above to grant the leasehold rights is without jurisdiction and the same is accordingly set aside.

The writ petition is allowed accordingly. No costs.

The Rule Nisi has been made absolute as above.

Witness the Honourable Sri Devinder Gupta, The Chief Justice on

this Wednesday the Sixteenth day of June, Two Thousand and Four.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

TO

1. The Executive officer, Gram Panchayat,
   Muddanur, Cuddapah District.

2. Two CD Copies

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